

CONFLICTS OF INTEREST ARISING OUT OF CONSENSUAL RELATIONSHIPS

I. BACKGROUND

There are circumstances when consensual romantic or sexual relationships are of concern to UCSD. This may be true both in consensual relationships between peers and consensual relationships where there is a power differential between the two parties.

II. SCOPE

Consensual relationships between peers (e.g., two faculty members or two staff employees) where the behavior of the parties is of such a nature that it introduces a sexual element into the workplace or educational setting may result in a hostile environment for others. Consensual relationships between individuals where there is a power differential within UCSD are especially troubling. In addition to concerns about the effect of such relationships on others in the workplace or learning environment, these relationships pose a potential, if not a real, conflict of interest/appearance of impropriety when one person has the ability to grade, evaluate, advance, promote, recommend, advise, or otherwise influence the employment or academic status of the other individual with whom there is an intimate relationship.

Examples of consensual relationships subject to this policy include, but are not limited to, relationships –

- (1) between supervisor (meaning any person in a position of direct authority over another -- including to evaluate or oversee task performance) and employee (meaning any person working under the supervisor);
- (2) between employee and student (where there is an instructional, advisory, or an employment relationship between them); and
- (3) between employee and client. Where such relationships involving professional employees, including doctors or other healthcare workers and their clients or between counselors and counselees, are prohibited by state or federal law or by applicable licensing requirements, they are likewise prohibited by UCSD policy.

Relationships between an instructor (meaning all who teach at UCSD -- faculty members and others who have instructional duties, including residents and graduate or undergraduate students with teaching, advising, or tutorial responsibilities) and a student (meaning any person studying with or receiving advising from the instructor, including interns) may also be covered by UC Academic Personnel Manual (APM) [015](#), Faculty Code of Conduct, which states that it is misconduct to enter "a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory)."

III. POLICY

There is an inherent conflict of interest for an individual to exercise direct supervisory, evaluation, instructional, and/or advising responsibilities, or participate in hiring, retention, promotion, or award decisions on behalf of UCSD, for someone with whom there exists a romantic or sexual relationship. While everyone is encouraged to maintain appropriate professional boundaries, the ultimate responsibility for maintaining these always lies with the faculty member or the supervisor, not the student or employee.

If a relationship subject to this policy exists, UCSD requires that effective steps be taken to ensure that the evaluation or supervision of the student or employee is unbiased, i.e., that it is not based on the consensual relationship. Such steps could include arranging for alternative evaluation of the supervisee, or recusal by the supervisor from decisions regarding the status of the supervisee. Pro-active, preventive measures must be taken to avoid conflicts of an ethical nature.

Complaints regarding this policy may be addressed using [UCSD's Procedures for Sexual Harassment Complaint Resolution](#).